

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 18, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Ellie Boldman Hill (D)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Stephanie Hess (R)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 457, 2/16/2015; HB 474, 2/16/2015; HB 477, 2/16/2015; HB 482, 2/16/2015; HB 505, 2/16/2015; HB 535, 2/16/2015
Executive Action: HB 405, HB 426, HB 436, HB 447, HB 448, HB 370

00:01:12 Chair J. Bennett

HEARING ON HB 482

Opening Statement by Sponsor:

00:01:56 Rep. Chuck Hunter (D), HD 83, opened the hearing on HB 482, Revise laws related to who must register as a sex offender.

Proponents' Testimony:

00:02:05 Rep. Hess joined the meeting.

00:05:52 Esther Suhr, Self

00:06:59 Bill Waldron, Self

00:08:43 Daniel Guzynski, Assistant Attorney General, Prosecution Services Bureau, Legal Services Division, Office of the Attorney General (AG), Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:10:16 Rep. Hunter

HEARING ON HB 535

Opening Statement by Sponsor:

00:10:54 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 535, Revise mandatory minimum penalties for unlawful sexual conduct offenses.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

00:14:36 Mark Murphy, Montana County Attorneys Association (MCAA)

Questions from Committee Members and Responses:

00:14:59 Rep. MacDonald

00:16:04 Mark Murphy, MCAA

00:16:52 Rep. Kelker

00:17:35 Mark Murphy, MCAA

00:18:00 Rep. Kelker

00:18:10 Mark Murphy, MCAA

00:18:38 Rep. Kelker

00:18:57 Mark Murphy, MCAA

00:19:49 Rep. Doane

00:20:14 Rep. Wagoner

00:20:24 Rep. Manzella

00:20:56 Mark Murphy, MCAA
00:22:01 Rep. Person
00:22:28 Mark Murphy, MCAA
00:24:45 Rep. Court
00:25:16 Mark Murphy, MCAA
00:25:32 Rep. McConnell
00:25:53 Rep. Wagoner

Closing by Sponsor:

00:26:21 Rep. Wagoner

00:28:12 Rep. Doane assumed the role of Chair.

HEARING ON HB 477

Opening Statement by Sponsor:

00:28:24 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 477, Clarify offense of aiding or soliciting suicide.

Proponents' Testimony:

00:30:42 Bradley Williams, Montanans Against Assisted Suicide (MAAS)

[EXHIBIT\(juh37a01\)](#)

00:32:05 Margaret Dore, Self

[EXHIBIT\(juh37a02\)](#)

[EXHIBIT\(juh37a03\)](#)

[EXHIBIT\(juh37a04\)](#)

[EXHIBIT\(juh37a05\)](#)

00:34:36 Ted Friesen, Self

[EXHIBIT\(juh37a06\)](#)

00:35:50 Thomas Warr, Self

[EXHIBIT\(juh37a07\)](#)

00:42:03 David Hafer, Self

[EXHIBIT\(juh37a08\)](#)

00:42:27 Bobbie Hafer, Self

[EXHIBIT\(juh37a09\)](#)

00:42:46 Jeff Laszloffy, Montana Family Foundation (MFF)

00:43:01 Matt Brower, Montana Catholic Conference (MCC)

[EXHIBIT\(juh37a10\)](#)

00:43:18 Gail Bell, Self

[EXHIBIT\(juh37a11\)](#)

Opponents' Testimony:

00:44:07 Doris Fischer, Self

[EXHIBIT\(juh37a12\)](#)

[EXHIBIT\(juh37a13\)](#)

[EXHIBIT\(juh37a14\)](#)

00:46:32 Jim McCreedy, Self
[EXHIBIT\(juh37a15\)](#)
 00:50:21 Ron Waterman, Self
[EXHIBIT\(juh37a16\)](#)
[EXHIBIT\(juh37a17\)](#)
 00:52:14 Dr. Shawna Yates, Self
[EXHIBIT\(juh37a18\)](#)
[EXHIBIT\(juh37a19\)](#)
 00:55:37 Mary Douglass, Self
[EXHIBIT\(juh37a20\)](#)
 00:57:29 Robert Zimorino, Self
[EXHIBIT\(juh37a21\)](#)
[EXHIBIT\(juh37a22\)](#)
 00:57:57 Ethel Byrnes, Self
[EXHIBIT\(juh37a23\)](#)
 00:58:47 Roberta King, Self
 00:58:59 David Cooper, Self
[EXHIBIT\(juh37a24\)](#)
 00:59:10 Harry Israel, Self
[EXHIBIT\(juh37a25\)](#)
 00:59:35 Clay Robert Baxter, Self
 00:59:42 Leslie Baxter Mutchler, Self
 00:59:56 Maren Keener, Self
 01:00:16 Barbara Holter Kirkland, Self

Informational Testimony:

01:00:38 Philip Tummarello, Self
 01:00:42 Rep. Hill
 01:01:26 Robert Tummarello, Self
 01:01:28 Chair Doane
 01:01:42 Philip Tummarello, Self

Questions from Committee Members and Responses:

01:02:07 Rep. Pinocci
 01:02:41 Margaret Dore, Self

Closing by Sponsor:

01:03:44 Rep. J. Bennett

 01:05:23 Recessed
 01:10:20 Reconvened

 01:10:21 Rep. J. Bennett resumed the roll of Chair.
 01:10:22 Chair J. Bennett

HEARING ON HB 474**Opening Statement by Sponsor:**

01:11:22 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 474, Require child sexual abuse and child sex trafficking prevention efforts.

EXHIBIT(juh37a26)

Proponents' Testimony:

01:18:30 Abigail St. Lawrence, Montana Association of Christians (MAC)
01:19:52 Brian Kahn, Self
01:20:46 Rep. Regier joined the meeting.
01:22:06 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)
01:22:46 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP) and Montana Police Protective Association (MPPA)

Opponents' Testimony: None

Informational Testimony:

01:23:29 Dana Toole, Bureau Chief, Children's Justice Bureau, Division of Criminal Investigation, Montana Department of Justice (DOJ)

Questions from Committee Members and Responses:

01:23:51 Rep. Laszloffy
01:24:06 Rep. Eck
01:25:03 Rep. Laszloffy
01:25:13 Rep. Eck
01:26:37 Rep. Meyers
01:27:53 Dana Toole, DOJ
01:28:43 Rep. Meyers
01:29:00 Dana Toole, DOJ
01:29:16 Rep. McConnell
01:29:39 Dana Toole, DOJ
01:31:19 Rep. McConnell
01:31:28 Dana Toole, DOJ
01:32:25 Rep. Perry
01:33:00 Dana Toole, DOJ

Closing by Sponsor:

01:34:07 Rep. Eck

01:35:24 Chair J. Bennett

01:35:57 Recess
01:42:59 Reconvened

01:43:00 Chair J. Bennett

HEARING ON HB 505**Opening Statement by Sponsor:**

01:44:37 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 505, Establish employee safe travel to work laws.

Proponents' Testimony:

01:48:06 Gary Marbut, Montana Shooting Sports Association (MSSA)
01:52:36 Doug Nulle, Self

Opponents' Testimony:

01:54:08 Al Smith, Montana Trial Lawyers Association (MTLA)
02:00:17 Glenn Oppel, Montana Chamber of Commerce
02:04:59 Aimee Grmoljez, Montana Bankers Association (MBA)

Informational Testimony: None

Questions from Committee Members and Responses:

02:06:24 Rep. Wagoner
02:06:56 Rep. Monforton
02:07:48 Rep. Wagoner
02:08:05 Rep. Monforton
02:08:20 Gary Marbut, MSSA
02:08:46 Rep. Kelker
02:09:35 Aimee Grmoljez, MBA
02:10:54 Rep. Pinocci
02:12:35 Gary Marbut, MSSA
02:13:56 Rep. Pinocci
02:14:01 Rep. Wagoner
02:14:59 Al Smith, MTLA
02:15:51 Rep. McConnell
02:16:26 Al Smith, MTLA
02:16:47 Chair J. Bennett
02:17:28 Rep. Monforton

Closing by Sponsor:

02:20:58 Rep. Monforton

HEARING ON HB 457**Opening Statement by Sponsor:**

02:21:48 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 457, Constitutional referendum to revise concealed weapons law.

Proponents' Testimony:

02:24:54 Gary Marbut, Montana Shooting Sports Association (MSSA)
EXHIBIT(juh37a27)
02:28:24 Doug Nulle, Self
02:29:42 Tim Ravndal, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:31:07 Rep. Person
02:31:38 Tim Ravndal, Self
02:32:09 Rep. Person
02:32:33 Rep. Monforton
02:33:14 Rep. Person
02:33:28 Rep. Monforton
02:34:17 Rep. Fiscus
02:34:37 Gary Marbut, MSSA

Closing by Sponsor:

02:34:52 Rep. Monforton

02:35:46 Chair J. Bennett

02:38:33 Recessed
03:16:16 Reconvened

03:16:17 Chair J. Bennett

EXECUTIVE ACTION ON HB 405

03:16:28 **Motion:** Rep. Doane moved that **HB 405 DO PASS**.

Discussion:

03:16:35 Helen Thigpen, Legislative Services Division (LSD)
03:16:57 Rep. Regier
03:17:25 Rep. Court

03:18:20 **Vote:** Motion failed unanimously by voice vote.

03:18:56 **Motion/Vote:** Rep. Doane moved that **HB 405 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 426

03:19:23 **Motion:** Rep. Doane moved that **HB 426 BE TABLED**.

Discussion:

03:19:30 Helen Thigpen, LSD

03:19:49 **Vote:** Motion carried 18-3 by roll call vote with Rep. Hill, Rep. Meyers and Rep. Regier voting no.

EXECUTIVE ACTION ON HB 436

03:20:44 **Motion:** Rep. Doane moved that **HB 436 DO PASS.**

Discussion:

03:20:54 Helen Thigpen, LSD

[EXHIBIT\(juh37a28\)](#)

03:21:16 **Motion:** Rep. Doane moved that **HB 436 BE AMENDED.**

Discussion:

03:21:25 Helen Thigpen, LSD

03:22:25 Rep. Wagoner

03:22:36 **Vote:** Motion carried unanimously by voice vote.

03:22:43 **Motion/Vote:** Rep. Doane moved that **HB 436 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 447

03:23:15 **Motion:** Rep. Doane moved that **HB 447 DO PASS.**

Discussion:

03:23:22 Helen Thigpen, LSD

[EXHIBIT\(juh37a29\)](#)

03:23:40 **Motion:** Rep. Doane moved that **HB 447 BE AMENDED.**

Discussion:

03:23:53 Rep. Wagoner

03:24:27 **Vote:** Motion carried unanimously by voice vote.

03:24:33 **Motion:** Rep. Doane moved that **HB 447 DO PASS AS AMENDED.**

Discussion:

03:24:42 Rep. MacDonald

03:25:14 Rep. Wagoner

03:25:45 Rep. MacDonald

03:25:57 Rep. Wagoner

03:26:14 Rep. Person

03:26:35 Rep. Wagoner

03:27:06 Rep. Person

03:27:23 Rep. Kelker

03:27:50 Rep. Wagoner
03:27:52 Rep. Regier left the meeting.
03:27:59 Rep. Monforton
03:29:19 Rep. Eck

03:29:57 **Vote:** Motion carried 17-4 by roll call vote with Rep. Eck, Rep. MacDonald, Rep. Pease-Lopez and Rep. Person voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 448

03:30:51 **Motion:** Rep. Doane moved that **HB 448 DO PASS**.

Discussion:

03:30:57 Helen Thigpen, LSD
[**EXHIBIT\(juh37a30\)**](#)

03:31:14 **Motion:** Rep. Doane moved that **HB 448 BE AMENDED**.

Discussion:

03:31:26 Rep. Wagoner

03:31:40 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:31:51 **Motion:** Rep. Doane moved that **HB 448 DO PASS AS AMENDED**.

Discussion:

03:32:01 Rep. Wagoner
03:32:30 Rep. Eck

03:32:44 **Vote:** Motion carried 17-4 by roll call vote with Rep. Eck, Rep. MacDonald, Rep. Pease-Lopez and Rep. Person voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 370

03:33:37 **Motion:** Rep. Doane moved that **HB 370 DO PASS**.

03:33:44 **Substitute Motion/Vote:** Rep. Wagoner made a substitute motion that **HB 370 BE TABLED**. Substitute Motion failed 10-11 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Hess, Rep. Laszloffy, Rep. Manzella, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting aye. Rep. Regier voted by proxy.

03:35:28 **Vote:** Motion carried 11-10 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Hess, Rep. Laszloffy, Rep. Manzella, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no. Rep. Regier voted by proxy.

03:36:25 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:37:23

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh37aad.pdf](#))